

## COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 18, 2003

Purpose: To make further changes requested by the Federal Trade Commission to the bill as introduced.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION**—108TH Cong., 1ST Sess.

**S. 1234**, 108TH Congress, 1ST Session

JUNE 19, 2003

Viz: Strike out all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Trade Com-  
3 mission Reauthorization Act of 2003”.

4 **TITLE I—REAUTHORIZATION**

5 **SEC. 101. REAUTHORIZATION.**

6 The text of section 25 of the Federal Trade Commis-  
7 sion Act (15 U.S.C. 57c) is amended to read as follows:

8 “There are authorized to be appropriated to carry out  
9 the functions, powers, and duties of the Commission not  
10 to exceed \$194,742,000 for fiscal year 2004,  
11 \$224,695,000 for fiscal year 2005, \$235,457,000 for fis-  
12 cal year 2006, and \$245,000,000 for fiscal year 2007.”.

1 **SEC. 102. AUTHORITY TO ACCEPT REIMBURSEMENTS,**  
2 **GIFTS, AND VOLUNTARY AND UNCOMPEN-**  
3 **SATED SERVICES.**

4 The Federal Trade Commission Act (15 U.S.C. 41  
5 et seq.) is amended—

6 (1) by redesignating section 26 as section 28;

7 and

8 (2) by inserting after section 25 the following:

9 **“SEC. 26. REIMBURSEMENT OF EXPENSES.**

10 “The Commission may accept payment or reimburse-  
11 ment, in cash or in kind, from a domestic or foreign law  
12 enforcement authority, or payment or reimbursement  
13 made on behalf of such authority, for expenses incurred  
14 by the Commission, its members, or employees in carrying  
15 out any activity pursuant to a statute administered by the  
16 Commission without regard to any other provision of law.  
17 Any such payments or reimbursements shall be considered  
18 a reimbursement to the appropriated funds of the Com-  
19 mission.

20 **“SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED**  
21 **SERVICES.**

22 “(a) IN GENERAL.—In furtherance of its functions  
23 the Commission may accept, hold, administer, and use un-  
24 conditional gifts, donations, and bequests of real, personal,  
25 and other property and, notwithstanding section 1342 of

1 title 31, United States Code, accept voluntary and uncom-  
2 pensated services.

3 “(b) LIMITATIONS.—

4 “(1) CONFLICTS OF INTEREST.—Notwith-  
5 standing subsection (a), the Commission may not ac-  
6 cept, hold, administer, or use a gift, donation, or be-  
7 quest if the acceptance, holding, administration, or  
8 use would create a conflict of interest or the appear-  
9 ance of a conflict of interest.

10 “(2) VOLUNTARY SERVICES.—A person who  
11 provides voluntary and uncompensated service under  
12 subsection (a) shall be considered a Federal em-  
13 ployee for purposes of—

14 “(A) chapter 81 of title 5, United States  
15 Code, (relating to compensation for injury);

16 “(B) sections 2671 through 2680 of title  
17 28, United States Code, (relating to tort  
18 claims); and

19 “(C) for purposes of the provisions of law  
20 relating to ethics, conflicts of interest, corrup-  
21 tion, and any other criminal or civil statute or  
22 regulation governing the standards of conduct  
23 for Federal employees.”.

1       **TITLE II—INTERNATIONAL**  
2       **CONSUMER PROTECTION**

3   **SEC. 201. FINDINGS.**

4       The Congress finds the following:

5           (1) The Federal Trade Commission protects  
6       consumers from fraud and deception. Cross-border  
7       fraud and deception are growing international prob-  
8       lems that affect American consumers and busi-  
9       nesses.

10          (2) The development of the Internet and im-  
11       provements in telecommunications technologies have  
12       brought significant benefits to consumers. At the  
13       same time, they have also provided unprecedented  
14       opportunities for those engaged in fraud and decep-  
15       tion to establish operations in one country and vic-  
16       timize a large number of consumers in other coun-  
17       tries.

18          (3) An increasing number of consumer com-  
19       plaints collected in the Consumer Sentinel database  
20       maintained by the Commission, and an increasing  
21       number of cases brought by the Commission, involve  
22       foreign consumers, foreign businesses or individuals,  
23       or assets or evidence located outside the United  
24       States.

1           (4) The Commission has legal authority to rem-  
2       edy law violations involving domestic and foreign  
3       wrongdoers, pursuant to the Federal Trade Commis-  
4       sion Act. The Commission's ability to obtain effec-  
5       tive relief using this authority, however, may face  
6       practical impediments when wrongdoers, victims,  
7       other witnesses, documents, money and third parties  
8       involved in the transaction are widely dispersed in  
9       many different jurisdictions. Such circumstances  
10      make it difficult for the Commission to gather all  
11      the information necessary to detect injurious prac-  
12      tices, to recover offshore assets for consumer re-  
13      dress, and to reach conduct occurring outside the  
14      United States that affects United States consumers.

15          (5) Improving the ability of the Commission  
16      and its foreign counterparts to share information  
17      about cross-border fraud and deception, to conduct  
18      joint and parallel investigations, and to assist each  
19      other is critical to achieve more timely and effective  
20      enforcement in cross- border cases.

21          (6) Consequently, Congress should enact legis-  
22      lation to provide the Commission with more tools to  
23      protect consumers across borders.

1 **SEC. 202. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.**

2 Section 4 of the Federal Trade Commission Act (15  
3 U.S.C. 44) is amended by adding at the end the following:

4 “ ‘Foreign law enforcement agency’ means—

5 “(1) any agency or judicial authority of a for-  
6 eign government, including a foreign state, a polit-  
7 ical subdivision of a foreign state, or a multinational  
8 organization constituted by and comprised of foreign  
9 states, that is vested with law enforcement or inves-  
10 tigative authority in civil, criminal, or administrative  
11 matters; or

12 “(2) any multinational organization, to the ex-  
13 tent that it is acting on behalf of an entity described  
14 in paragraph (1).”.

15 **SEC. 203. SHARING INFORMATION WITH FOREIGN LAW EN-**  
16 **FORCEMENT AGENCIES.**

17 (a) IN GENERAL.—Section 21(b)(6) of the Federal  
18 Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amend-  
19 ed by adding at the end “The custodian may make such  
20 material available to any foreign law enforcement agency  
21 upon the prior certification of any officer of any such for-  
22 eign law enforcement agency that such material will be  
23 maintained in confidence and will be used only for official  
24 law enforcement purposes, if—

1           “(A) the foreign law enforcement agency has  
2           set forth a bona fide legal basis for its authority to  
3           maintain the material in confidence; and

4           “(B) the materials are to be used for purposes  
5           of investigating, or engaging in enforcement pro-  
6           ceedings related to, possible violations of—

7                   “(i) foreign laws prohibiting fraudulent or  
8                   deceptive commercial practices or other prac-  
9                   tices similar to practices prohibited by any law  
10                  administered by the Commission;

11                  “(ii) law administered by the Commission,  
12                  if disclosure of the material would further a  
13                  Commission investigation or enforcement pro-  
14                  ceeding; or

15                  “(iii) with the approval of the Attorney  
16                  General, foreign criminal laws.

17 Nothing in the preceding sentence authorizes the disclo-  
18 sure of material obtained in connection with the adminis-  
19 tration of the Federal antitrust laws or foreign antitrust  
20 laws (as defined in paragraphs (5) and (7), respectively,  
21 of section 12 of the International Antitrust Enforcement  
22 Assistance Act of 1994 (16 U.S.C. 6211) to any officer  
23 or employee of a foreign law enforcement agency.”.

1 (b) PUBLICATION OF INFORMATION; REPORTS.—Sec-  
2 tion 6(f) of the Federal Trade Commission Act (15 U.S.C.  
3 46(f)) is amended—

4 (1) by inserting “(1)” after “such information”  
5 the first place it appears; and

6 (2) by striking “purposes.” and inserting “pur-  
7 poses, and (2) to any officer or employee of any for-  
8 eign law enforcement agency under the same cir-  
9 cumstances that sharing material with foreign law  
10 enforcement agencies is permitted under section  
11 21(b)(6) of this Act.”.

12 **SEC. 204. OBTAINING INFORMATION FOR FOREIGN LAW EN-**  
13 **FORCEMENT AGENCIES.**

14 Section 6 of the Federal Trade Commission Act (15  
15 U.S.C. 46) is amended by adding at the end the following:

16 “(j)(1) Upon request from a foreign law enforcement  
17 agency, to provide assistance in accordance with this sub-  
18 section if the requesting agency states that it is inves-  
19 tigating, or engaging in enforcement proceedings against,  
20 possible violations of laws prohibiting fraudulent or decep-  
21 tive commercial practices, or other practices that may be  
22 similar to practices prohibited by any provision of the laws  
23 administered by the Commission, other than Federal anti-  
24 trust laws (as defined in section 12(5) of the International



1 Antitrust Enforcement Assistance Act of 1994 (15 U.S.C.  
2 6211(5))), the Commission may, in its discretion—

3 “(A) conduct such investigation as the Commis-  
4 sion deems necessary to collect information and evi-  
5 dence pertinent to the request for assistance, using  
6 all investigative powers authorized by this Act; and

7 “(B) seek and accept appointment by a United  
8 States district court of Commission attorneys to pro-  
9 vide assistance to foreign and international tribunals  
10 and to litigants before such tribunals on behalf of a  
11 foreign law enforcement agency pursuant to section  
12 1782 of title 28, United States Code, when the re-  
13 quest is from an agency acting to investigate or pur-  
14 sue the enforcement of civil laws or when the Attor-  
15 ney General refers such a request to the Commis-  
16 sion.

17 “(2) The Commission may provide assistance under  
18 paragraph (1) without requiring that the conduct identi-  
19 fied in the request also constitutes a violation of the laws  
20 of the United States.

21 “(3) In deciding whether to provide such assistance,  
22 the Commission shall consider all relevant factors,  
23 including—

1           “(A) whether the requesting agency has agreed  
2           to provide or will provide reciprocal assistance to the  
3           Commission;

4           “(B) whether compliance with the request  
5           would prejudice the public interest of the United  
6           States; and

7           “(C) whether the requesting agency’s in-  
8           vestigation or enforcement proceeding concerns  
9           acts or practices that cause or are likely to  
10          cause injury to a significant number of persons.

11          “(4) If a foreign law enforcement agency has set  
12          forth a legal basis for requiring execution of an inter-  
13          national agreement as a condition for reciprocal assist-  
14          ance, or as a condition for disclosure of materials or infor-  
15          mation to the Commission, the Commission, after con-  
16          sultation with the Secretary of State, may negotiate and  
17          conclude an international agreement, in the name of either  
18          the United States or the Commission and with the final  
19          approval of the agreement by the Secretary of State, for  
20          the purpose of obtaining such assistance or disclosure. The  
21          Commission may undertake in such an international  
22          agreement—

23               “(A) to provide assistance using the powers set  
24          forth in this subsection;

1           “(B) to disclose materials and information in  
2           accordance with subsection (f) of this section and  
3           section 21(b)(6) of this Act; and

4           “(C) to engage in further cooperation, and pro-  
5           tect materials and information received from disclo-  
6           sure, as authorized by this Act.

7           “(5) The authority in this subsection is in addition  
8           to, and not in lieu of, any other authority vested in the  
9           Commission or any other officer of the United States.”.

10   **SEC. 205. INFORMATION SUPPLIED BY AND ABOUT FOR-**  
11                           **EIGN SOURCES.**

12           Section 21(f) of the Federal Trade Commission Act  
13           (15 U.S.C. 57b-2(f)) is amended—

14                   (1) by inserting “(1) before “Any”; and adding  
15           at the end the following:

16           “(2)(A) Except as provided in subparagraph (C) of  
17           this paragraph, the Commission shall not be compelled to  
18           disclose—

19                   “(i) material obtained from a foreign law en-  
20           forcement agency or other foreign government agen-  
21           cy, if the foreign law enforcement agency or other  
22           foreign government agency has requested confiden-  
23           tial treatment, or has precluded such disclosure  
24           under other use limitations, as a condition of dis-  
25           closing the material;

1           “(ii) material reflecting consumer complaints  
2           obtained from any other foreign source, if that for-  
3           eign source supplying the material has requested  
4           confidential treatment as a condition of disclosing  
5           the material; or

6           “(iii) material reflecting a consumer complaint  
7           submitted to a Commission reporting mechanism  
8           sponsored in part by foreign law enforcement agen-  
9           cies or other foreign government agencies.

10          “(B) For purposes of section 552 of title 5, this para-  
11       graph shall be considered a statute described in subsection  
12       (b)(3)(B) of such section 552.

13          “(C) Nothing in this paragraph shall authorize the  
14       Commission to withhold information from the Congress or  
15       prevent the Commission from complying with an order of  
16       a court of the United States in an action commenced by  
17       the United States or the Commission.”.

18       **SEC. 206. CONFIDENTIALITY AND DELAYED NOTICE OF**  
19                               **PROCESS.**

20          (a) IN GENERAL.—The Federal Trade Commission  
21       Act (15 U.S.C. 41 et seq.) is amended by inserting after  
22       section 21 the following:

1   **“SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF**  
2                           **COMPULSORY PROCESS FOR CERTAIN THIRD**  
3                           **PARTIES.**

4           (a) IN GENERAL.—The provisions for delay or prohi-  
5   bition of notice under the Right to Financial Privacy Act  
6   (12 U.S.C. 3401 et seq.) and the Electronic Communica-  
7   tion Privacy Act (18 U.S.C. 2701 et seq.) shall be avail-  
8   able to the Commission—

9           (1) upon a finding by the presiding judge or  
10   magistrate judge pursuant to an ex parte application  
11   by the Commission that there is reason to believe  
12   that notification may cause an adverse result; or

13          (2) where notification is delayed pursuant to  
14   section 2705(a)(1)(B) of title 18, a finding by the  
15   Commission that there is reason to believe that noti-  
16   fication may cause an adverse result.

17   (b) EX PARTE APPLICATION BY COMMISSION.—If  
18   the provisions for delayed notice described in subsection  
19   (a) do not apply, the Commission may apply ex parte to  
20   a presiding judge or magistrate judge for an order com-  
21   manding the recipient of compulsory process issued by the  
22   Commission not to notify any other person of the existence  
23   of the process, notwithstanding any law or regulation of  
24   the United States, or under the constitution, or any law  
25   or regulation, of any State, political subdivision of a State,  
26   territory of the United States, or the District of Columbia.

1 The presiding judge or magistrate judge shall enter such  
2 an order granting the requested delay for a period not to  
3 exceed 90 days, or for such period as the presiding judge  
4 or magistrate judge deems appropriate, if there is reason  
5 to believe that notification may cause an adverse results.  
6 The presiding judge or magistrate judge may grant exten-  
7 sions of this delay of notice of up to 90 each in accordance  
8 with this subsection.

9 (c) NO LIABILITY FOR COMPLIANCE.—The recipient  
10 of compulsory process issued by the Commission under  
11 this section shall not be liable under any law or regulation  
12 of the United States, or under the constitution, or any  
13 law or regulation, of any State, political subdivision of a  
14 State, territory of the United States, or the District of  
15 Columbia, or under any contract or other legally enforce-  
16 able agreement, for failure to provide notice that such  
17 process has been issued or that the recipient has provided  
18 information in response to such process. The preceding  
19 sentence does not provide any exemption from liability for  
20 the underlying conduct.

21 (d) VENUE AND PROCEDURE.—

22 (1) IN GENERAL.—All judicial proceedings  
23 under this section may be brought in the United  
24 States District Court for the District of Columbia or  
25 any other appropriate United States District Court.

1 All ex parte applications by the Commission under  
2 this section related to a single investigation may be  
3 brought in a single proceeding.

4 (2) IN CAMERA PROCEEDINGS.—Upon applica-  
5 tion by the Commission, all judicial proceedings pur-  
6 suant to this section shall be held in camera and the  
7 records thereof sealed until expiration of the period  
8 of delay or such other date as the presiding judge  
9 or magistrate judge may permit.

10 (e) SECTION NOT TO APPLY TO ANTITRUST INVES-  
11 TIGATIONS OR PROCEEDINGS.—This section shall not  
12 apply to an investigation or proceeding related to the ad-  
13 ministration of federal antitrust laws or foreign antitrust  
14 laws (within the meaning of section 6211 of this title).

15 (f) ADVERSE RESULT DEFINED.—In this section the  
16 term ‘adverse result’ means—

17 “(1) the transfer of assets or records outside  
18 the territorial limits of the United States;

19 “(2) impeding the ability of the Commission to  
20 identify or trace funds;

21 “(3) endangering the life or physical safety of  
22 an individual;

23 “(4) flight from prosecution;

24 “(5) the destruction of, or tampering with, evi-  
25 dence;

1 “(6) the intimidation of potential witnesses;

2 “(7) the dissipation or concealment of assets; or

3 “(8) otherwise seriously jeopardizing an inves-  
4 tigation or unduly delaying a trial.”.

5 (b) CONFORMING AMENDMENT.—Section 16(a)(2) of  
6 the Federal Trade Commission Act (15 U.S.C. 56(a)(2))  
7 is amended—

8 (1) by striking “or” after the semicolon in sub-  
9 paragraph (C);

10 (2) by inserting “and” after the semicolon in  
11 subparagraph (D); and

12 (3) by inserting after subparagraph (D) the fol-  
13 lowing:

14 “(E) under section 21a of this Act;”.

15 **SEC. 207. PROTECTION FOR VOLUNTARY PROVISION OF IN-**  
16 **FORMATION.**

17 The Federal Trade Commission Act (15 U.S.C. 41  
18 et seq.) is amended by inserting after section 21a, as  
19 added by section 206 of this title, the following:

20 **“SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF**  
21 **INFORMATION.**

22 “(a) IN GENERAL.—An entity described in subsection  
23 (e)(1) that voluntarily provides material to the Commis-  
24 sion that it reasonably believes is relevant to—



1           “(1) a possible unfair or deceptive act or prac-  
2           tice, as defined in section 5(a) of this Act, or

3           “(2) assets subject to recovery by the Commis-  
4           sion, including assets located in foreign jurisdictions,  
5           shall not be liable to any person under any law or regula-  
6           tion of the United States, or under the constitution, or  
7           any law or regulation, of any State, political subdivision  
8           of a State, territory of the United States, or the District  
9           of Columbia, for such disclosure or for any failure to pro-  
10          vide notice of such disclosure. The preceding sentence does  
11          not provide any exemption from liability for the underlying  
12          conduct.

13          “(b) LIABILITY LIMITATION.—An entity described in  
14          subsection (e)(2) that makes a voluntary disclosure to the  
15          Commission regarding the subjects described in subsection  
16          (a)(1) and (2) shall be exempt from liability in accordance  
17          with the provisions of section 5318(g)(3) of title 31,  
18          United States Code.

19          “(c) CONSUMER COMPLAINTS.—Any entity described  
20          in subsection (e) that makes a voluntary disclosure of con-  
21          sumer complaints sent to it, or information contained  
22          therein, to the Commission shall not be liable to any per-  
23          son under any law or regulation of the United States, or  
24          under the constitution, or any law or regulation, of any  
25          State, political subdivision of a State, territory of the

1 United States, or the District of Columbia, for such disclo-  
2 sure or for any failure to provide notice of such disclosure.  
3 The preceding sentence does not provide any exemption  
4 from liability for the underlying conduct.

5 “(d) FOIA EXEMPTION.—Material submitted pursu-  
6 ant to this section with a request for confidential treat-  
7 ment shall be exempt from disclosure under section 552  
8 of title 5, United States Code, to the extent it could rea-  
9 sonably be expected to disclose either the identity of per-  
10 sons, partnerships, or corporations that are the subject of  
11 such disclosures, or the identification of particular finan-  
12 cial accounts, their ownership, or confidential records of  
13 account activity. This exemption is in addition to, and not  
14 in lieu of, any other applicable exemptions from disclosure  
15 in such section 552.

16 “(e) ENTITIES TO WHICH SECTION APPLIES.—This  
17 section applies to the following entities, whether foreign  
18 or domestic:

19 “(1) A courier service, a commercial mail re-  
20 ceiving agency, an industry membership organiza-  
21 tion, a payment system provider, a consumer report-  
22 ing agency, a domain name registrar and registry,  
23 and a provider of alternative dispute resolution serv-  
24 ices;

1           “(2) a bank or thrift institution, a commercial  
2           bank or trust company, an investment company, a  
3           credit card issuer, an operator of a credit card sys-  
4           tem, and an issuer, redeemer, or cashier of travelers’  
5           checks, money orders, or similar instruments; and

6           “(3) an Internet service provider or provider of  
7           telephone services.”.

8   **SEC. 208. INFORMATION SHARING WITH FINANCIAL REGU-**  
9                   **LATORS.**

10          Section 1112(e) of the Right to Financial Privacy Act  
11   (12 U.S.C. 3412(e)) is amended by inserting “the Federal  
12   Trade Commission,” after “the Securities and Exchange  
13   Commission,”.

14   **SEC. 209. REPRESENTATION IN FOREIGN LITIGATION.**

15          Section 16 of the Federal Trade Commission Act (15  
16   U.S.C. 56) is amended by adding at the end the following:

17          “(c)(1) The Commission may designate Commission  
18   attorneys to assist the Department of Justice in connec-  
19   tion with litigation in foreign courts in which the Commis-  
20   sion has an interest, pursuant to the terms of a memo-  
21   randum of understanding to be negotiated by the Commis-  
22   sion and the Department of Justice. The preceding sen-  
23   tence is in addition to, and not in lieu of, any other author-  
24   ity vested in the Commission or any other officer of the  
25   United States.

1       “(2) The Commission is authorized to expend appro-  
2       priated funds for the retention of foreign counsel for con-  
3       sultation and for litigation in foreign courts, and for ex-  
4       penses related to consultation and to litigation in foreign  
5       courts in which the Commission has an interest.

6       “(3) Nothing in this section authorizes the payment  
7       of claims or judgments from any source other than the  
8       permanent and indefinite appropriation authorized by sec-  
9       tion 1304 of title 31, United States Code.”.

10   **SEC. 210. AVAILABILITY OF REMEDIES.**

11       Section 5 of the Federal Trade Commission Act (15  
12       U.S.C. 45) is amended by adding at the end the following:

13       “(o) UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN-  
14       VOLVING FOREIGN COMMERCE.—

15               “(1) IN GENERAL.—For purposes of subsection  
16       (a), the term ‘unfair or deceptive acts or practices’  
17       includes such acts or practices involving foreign  
18       commerce that—

19               “(A) cause or are likely to cause reason-  
20       ably foreseeable injury within the United  
21       States; or

22               “(B) involve material conduct occurring  
23       within the United States.

24       “(2) APPLICATION OF REMEDIES TO SUCH ACTS  
25       OR PRACTICES.—All remedies available to the Com-

1 mission with respect to unfair and deceptive acts or  
2 practices shall be available for acts and practices de-  
3 scribed in paragraph (1), including restitution to do-  
4 mestic or foreign victims.”.

5 **SEC. 211. CRIMINAL REFERRALS.**

6 Section 6 of the Federal Trade Commission Act (15  
7 U.S.C. 46), as amended by section 204 of this title, is  
8 amended by adding at the end the following:

9 “(k) REFERRAL FOR CRIMINAL PROCEEDINGS.—

10 “(1) IN GENERAL.—Whenever the Commission  
11 obtains evidence that any person, partnership or cor-  
12 poration, either domestic or foreign, has engaged in  
13 conduct that may constitute a violation of Federal  
14 criminal law, to transmit such evidence to the Attor-  
15 ney General who may, in his discretion, institute  
16 criminal proceedings under appropriate statutes.  
17 Nothing in this paragraph affects any other author-  
18 ity of the Commission to disclose information.

19 “(2) INTERNATIONAL INFORMATION.—The  
20 Commission shall endeavor to ensure, with respect to  
21 memoranda of understanding and international  
22 agreements it may conclude, that material it has ob-  
23 tained from foreign law enforcement agencies acting  
24 to investigate or pursue the enforcement of foreign  
25 criminal laws may be used for the purpose of inves-

1        tigation, prosecution, or prevention of violations of  
2        United States criminal laws.”.

3    **SEC. 212. STAFF EXCHANGES.**

4        The Federal Trade Commission Act (15 U.S.C. 41  
5    et seq.) is amended by inserting after section 25 (15  
6    U.S.C. 57c) the following:

7    **“SEC. 25A. STAFF EXCHANGES.**

8        “(a) IN GENERAL.—The Congress consents to—

9            “(1) the retention or employment of officers or  
10       employees of foreign government agencies on a tem-  
11       porary basis by the Commission under section 3109  
12       of title 5, United States Code, section 202 of title  
13       18, United States Code, or section 2 of this Act (15  
14       U.S.C. 42); and

15           “(2) the retention or employment of officers or  
16       employees of the Commission on a temporary basis  
17       by such foreign government agencies.

18       “(b) FORM OF ARRANGEMENTS.—Staff arrange-  
19       ments under subsection (a) need not be reciprocal. The  
20       Commission may accept payment or reimbursement, in  
21       cash or in kind, from a foreign government agency to  
22       which this section is applicable, or payment or reimburse-  
23       ment made on behalf of such agency, for expenses incurred  
24       by the Commission, its members, and employees in car-  
25       rying out such arrangements.”.

1   **SEC. 213. EXPENDITURES FOR COOPERATIVE ARRANGE-**  
2                           **MENTS.**

3           (a) IN GENERAL.—Section 6 of the Federal Trade  
4 Commission Act (15 U.S.C. 46) as amended by section  
5 211 of this title, is further amended by adding at the end  
6 the following:

7           “(p) To expend appropriated funds for—

8                   “(1) operating expenses and other costs of bi-  
9 lateral and multilateral cooperative law enforcement  
10 groups conducting activities of interest to the Com-  
11 mission and in which the Commission participates;  
12 and

13                   “(2) expenses for consultations and meetings  
14 hosted by the Commission with foreign government  
15 agency officials, members of their delegations, ap-  
16 propriate representatives and staff to exchange views  
17 concerning developments relating to the Commis-  
18 sion’s mission, development and implementation of  
19 cooperation agreements, and provision of technical  
20 assistance for the development of foreign consumer  
21 protection or competition regimes, such expenses to  
22 include necessary administrative and logistic ex-  
23 penses and the expenses of Commission staff and  
24 foreign invitees in attendance at such consultations  
25 and meetings including—

1                   “(A) such incidental expenses as meals  
2                   taken in the course of such attendance;

3                   “(B) any travel and transportation to or  
4                   from such meetings; and

5                   “(3) any other related lodging or subsist-  
6                   ence.”.

7           (b) AUTHORIZATION OF APPROPRIATIONS.—The  
8   Federal Trade Commission is authorized to expend appro-  
9   priated funds not to exceed \$100,000 per fiscal year for  
10   purposes of section 6(p) of the Federal Trade Commission  
11   Act (15 U.S.C. 46(p)), including operating expenses and  
12   other costs of the following bilateral and multilateral coop-  
13   erative law enforcement groups:

14               (1) The International Consumer Protection and  
15               Enforcement Network.

16               (2) The International Competition Network.

17               (3) The Mexico-U.S.-Canada Health Fraud  
18               Task Force.

19               (4) Project Emptor.

20               (5) The Toronto Strategic Partnership and  
21               other regional partnerships with a nexus in a Cana-  
22               dian province.

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